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MOTOROLA INC
5401 NORTH BEACH STREET
MAILSTOP E230
FORT WORTH, TX 76137

EXAMINER

DANIEL JR, WILLIE J

ART UNIT PAPER NUMBER

2686

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/850,314

Applicant(s)

DORENBOSCH, JHEROEN P.

Examiner

Willie J. Daniel, Jr.

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 26 May 2005. **Claims 1-20** are now pending in the present application.

Drawings

2. The objection to the drawing is withdrawn, as the proposed specification correction is approved.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch et al. (hereinafter Fitch) (US 6,321,092 B1) in view of Walsh et al. (hereinafter Walsh) (US 6,603,977 B1).

Regarding **Claim 1**, Fitch discloses of the features

obtaining a first location information from the target wireless station (102) which reads on the claimed "MS" using the wireless communication system link and storing the first location information in a location monitor (LM '214') which reads on the claimed "location server" of the system (200) (see col. 5, lines 57-64; col. 6, lines 9-18; col. 7, lines 30-32, 42-46; Fig. 1), where the wireless telecommunications network (100) has a location-based

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service system (200) which outputs the location of the wireless station using raw location that is collected and aggregated and stored in the cache;

storing (e.g., collects) location information corresponding to the target MS (102) including the identity (e.g., wireless station identifiers) of the target MS (102) in a plurality of location finding equipment (LFE "104") which reads on the claimed "reporting devices" (see col. 7, lines 30-32,42-44; col. 8, lines 34-43; col. 10, lines 37-41; Fig. 2), where each LFE collects location information of the wireless station to be stored in the LC (220) of the LM (214); and

defining a subset of the plurality of reporting devices (104, 202) (see col. 10, line 44-48; col. 10, line 58 - col. 11, line 3; Figs. 1-2);

eliciting, by the location server (e.g., 116) the location information corresponding to the target MS (102) from the subset (see col. 11, line 58 - col. 12, line 6; Fig. 7), where the LFEs (202) provide location information of the wireless station; and

combining portions of the elicited location information corresponding to the target MS (102) to determine the location of the target MS (102) (see col. 6, line 40 - col. 7, line 29; col. 7, lines 30-32,42-46; col. 8, lines 34-43; Figs. 3A-E), where the system collect data of the location of the wireless station to determine the location of the wireless station. Fitch fails to disclose the feature of communicating with the target MS using the short-range wireless link; upon failing to obtain location information from the target MS using the long-range wireless communication system link. However, the examiner maintains that the features of communicating by a plurality of reporting devices with the target MS using the short-range

wireless link; while failing, by the location server to obtain location information from the target MS was well known in the art, as taught by Walsh.

In the same field of endeavor, Walsh discloses the features of communicating by a plurality of reporting devices (209, 206) with the target wireless communication device (104) which reads on the claimed "MS" using the short-range wireless link (see col. 8, lines 42-51; col. 10, lines 41-53; Fig. 2)

while failing, by the location server (e.g., 108), to obtain location information from the target MS (104) (see col. 8, lines 21-30, 38-53; col. 10, lines 42-67; col. 13, lines 35-40; col. 11, lines 23-41; col. 9, lines 52-63; Fig. 3), where the system is coupled to a long range system (e.g., GPS) and short range (e.g., Bluetooth) to locate the MS. The short range is used in locations (e.g., facilities, hallways, or elevators) in which the failing by the server to would be inherent where the long-range system does not adequately perform.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fitch and Walsh to have the feature of communicating with the target MS using the short-range wireless link; while failing, by the location server, to obtain location information from the target MS, in order for the short-range radio transceivers to transmit information to the wireless communication device for use with E911 service and other location-based services, as taught by Walsh (see col. 9, lines 25-31).

Regarding **Claim 2**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 1), in addition Fitch further discloses the method of claim 1, wherein the location of each of each of the plurality of reporting devices (202, 204,

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206) is known to at least one of the reporting device (204, 206, 208) and the location server (214) (see col. 5, lines 29-49; col. 6, lines 29-32; Fig. 2), where the handset can include LFE equipment, for example, certain GPS and TDOA systems, which enable the handset to act as reporting device as well. The handset can be a receiver performing the location finding information to be transferred to LFS (116). ; and

wherein the defining step comprises the step of defining the subset to include the plurality of reporting devices (202, 204, 206) whose locations are less than a predetermined distance from the target MS (102), as estimated based upon the first location information (see col. 5, lines 36-49, 61-64; col. 6, lines 52-65; Fig. 3), where the reporting devices (e.g., LFE equipped handsets or other LFE equipment) relative to the position of the target MS use a method such as triangulation.

Regarding **Claim 3**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 1), in addition Fitch further discloses the method of claim 1, wherein the defining step comprises the step of

defining the subset to include all the plurality of reporting devices (202, 204, 206) within range of one of a cell (300) and an area (300), in which the target MS (102) was last located (see col. 6, lines 52-65; Fig. 3), where the defining subset, for example, the LFE within a certain radius of the MS (102).

Regarding **Claim 4**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 1), in addition Fitch further discloses the method of claim 1, wherein the defining step comprises the steps of:

defining a time period (see col. 8, lines 44-49; col. 3, lines 52-59);

defining the subset to be all reporting devices (202, 204, 206) which stored location information corresponding to the target MS (102) during this time period (see col. 11, lines 9-27; col. 8, lines 44-49; Figs. 1-2, 9).

Regarding **Claim 5**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 1), in addition Fitch further discloses the method of claim 1, wherein the defining step is performed in a portion of the wireless communication system (200) exclusive of the plurality of reporting devices (202, 204, 206) (see col. 10, lines 59-63; col. 11, lines 9-11; Figs. 1-2).

Regarding **Claim 6**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 1), in addition Fitch further discloses the method of claim 1, wherein the defining step is performed in the plurality of reporting devices (202, 204, 206) according to a set of subset-selection rules (see col. 11, lines 9-19; col. 8, lines 44-49; col. 5, lines 57-64; col. 6, lines 11-16), where the subset is based on such LFE equipment within the range of the MS (102).

Regarding **Claim 7**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 1), in addition Fitch further discloses the method of claim 1, wherein the eliciting step comprises the steps of:

identifying the target MS (102) to the subset (see col. 11, lines 9-19, 65; col. 8, lines 44-49; col. 5, lines 57-64; col. 6, lines 11-16; Fig. 9); and

requesting the subset to report the location information corresponding to the target MS (102) (see col. 11, line 58 - col. 12, line 17; col. 8, lines 44-49; col. 5, lines 57-64, 35-44; Fig. 7).

Regarding **Claim 8**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 1), in addition Fitch further discloses the method of claim 1,

wherein the location information includes a time stamp identifying when the target MS (102) was at a reported location (see col. 8, lines 44-49), and

wherein the combining step comprises the step of extrapolating a current location of the target MS (102) from a last reported location and time and at least one of another reported location and time, and a reported velocity (see col. 8, lines 44-49; col. 10, lines 19-57).

Regarding **Claim 9**, the combination of Fitch and Walsh discloses every limitation claim, as applied above (see claim 1), in addition Fitch further discloses the method of claim 1, wherein eliciting by the location server (116), of the location information from at least one of the reporting devices (104) in the subset is done over a long-range link connecting the location server (116) and the at least one of the reporting devices (104) (see col. 10, lines 58-66; col. 5, lines 5-17; col. 6, lines 30-35; Figs. 1-2,6-7).

Regarding **Claim 10**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 1), in addition Fitch further discloses the method of claim 1, further comprising in a reporting device (202, 204, 206) the steps of:

receiving a request to report the location information corresponding to the target MS (102) (see col. 10, lines 58-66; col. 11, line 58 - col. 12, line 17; Figs. 6-7); and

attempting to contact the target MS (102) to determine the location of the target MS (102), in response to receiving the request (see col. 10, lines 58-66; col. 11, line 58 - col. 12, line 17; Figs. 6-7).

Regarding **Claim 11**, Fitch discloses a location server (214) in a wireless communication system (100) for determining a location of a mobile station (MS) (102), the location server (214) comprising:

a LFE (202) which reads on the claimed “communication interface” (see col. 7, lines 30-32; col. 11, lines 60-64; Figs. 2, 6-7);

a processor (e.g., 208, 214) coupled to the communication interface (202) for controlling the communication interface (202) to communicate, via a long-range wireless communication system link, with a target MS (102) and with a plurality of reporting devices (202) to obtain location information corresponding to the target MS (102) including the identity of the target MS (102) (see col. 10, line 58 - col. 11, line 3; col. 11, lines 60-64; Figs. 1-2), where location monitoring system (214) tracks the location of the wireless station using wireless location application; and

a database (220) coupled to the processor (208) for storing the location information, wherein the processor is programmed to, (see col. 8, lines 34-55; col. 10, lines 19-41; Fig. 2);

define a subset of the plurality of reporting devices (104, 202) (see col. 10, line 44-48; col. 10, line 58 - col. 11, line 3; col. 11, lines 9-27; col. 8, lines 44-49; Figs. 1-2, 9);

elicit location information corresponding to the target MS (102) from the reporting devices (202) in the subset (see col. 10, lines 61-63; col. 11, line 58 - col. 12, line 6; col. 11, lines 9-27; col. 8, lines 44-49; Figs. 6-7), where the LFEs (202) as part of the subset provide location information of the wireless station; and

combine portions of the elicited location information corresponding to the target to determine the location of the target MS (102) (see col. 6, line 40 - col. 7, line 29; col. 7, lines

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30-32,42-46; col. 8, lines 34-43; Figs. 3A-E), where the system collect data of the location of the wireless station to determine the location of the wireless station. Fitch fails to disclose having the features while failing to obtain location information from the target MS using the long-range wireless communication system link; the location information having been obtained the by reporting devices in the subset using a short-range wireless link. However, the examiner maintains that the features while failing to obtain location information from the target MS using the long-range wireless communication system link; the location information having been obtained by the by reporting devices in the subset using a short-range wireless link between the target MS and the reporting devices in the subset was well known in the art, as taught by Walsh.

Walsh further discloses the features while failing to obtain location information from the target MS (104) using the long-range wireless communication system link (see col. 8, lines 21-30,38-53; col. 13, lines 35-40; col. 11, lines 23-41; col. 10, lines 42-67; col. 9, lines 52-63; Fig. 3), where the system is coupled to a long range system (e.g., GPS) and short range (e.g., Bluetooth) to locate the MS. The short range is used in locations (e.g., facilities, hallways, or elevators) where the long-range system does not adequately perform in which the failing of the long-range system would be obvious;

the location information having been obtained by the reporting devices in the subset using a short-range wireless link between the target MS and the reporting devices in the subset (see col. 8, lines 42-53; col. 10, lines 41-53; Figs. 2), where location information is gathered via the short-range wireless link that communicates with the wireless

communication device (104) through the wireless communications units (206) which is a subset device using Bluetooth.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fitch and Walsh to have the features while failing to obtain location information from the target MS using the long-range wireless communication system link; the location information having been obtained by the reporting devices in the subset using a short-range wireless link between the target MS and the reporting devices in the subset, in order for the short-range radio transceivers to transmit information to the wireless communication device for use with E911 service and other location-based services, as taught by Walsh (see col. 9, lines 25-31).

Regarding **Claim 12**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 11), in addition Fitch further discloses the location server (214) of claim 11,

wherein the location of each of each of the plurality of reporting devices (202, 204, 206) is known to at least one of the reporting device (204, 206, 208) and the location server (214) (see col. 5, lines 29-49; col. 6, lines 29-32; Fig. 2), where the handset can include LFE equipment, for example, certain GPS and TDOA systems, which enable the handset to act as reporting device as well. The handset can be a receiver performing the location finding information to be transferred to LFS (116). ; and

wherein the defining step comprises the step of defining the subset to include the plurality of reporting devices (202, 204, 206) whose locations are less than a predetermined distance from the target MS (102), as estimated based upon the first location information (see col. 5,

lines 36-49,61-64; col. 6, lines 52-65; Fig. 3), where the reporting devices (e.g., LFE equipped handsets or other LFE equipment) relative to the position of the target MS use a method such as triangulation.

Regarding **Claim 13**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 11), in addition Fitch further discloses the location server (214) of claim 11, wherein the processor (e.g., 214, 208, 226, 228, 230) defining the subset to include all the plurality of reporting devices (202, 204, 206) within range of one of a cell (300) and an area (300), in which the target MS (102) was last located (see col. 6, lines 52-65; Fig. 3), where the defining subset, for example, the LFE within a certain radius of the MS (102).

Regarding **Claim 14**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 11), in addition Fitch further discloses the location server (214) of claim 11, wherein the processor (e.g., 214) is further programmed to:

identify the target MS (102) to the subset (see col. 11, lines 9-19, 65; col. 8, lines 44-49; col. 5, lines 57-64; col. 6, lines 11-16; Fig. 9); and

request the subset to report the location information corresponding to the target MS (102) (see col. 11, line 58 - col. 12, line 17; col. 8, lines 44-49; col. 5, lines 57-64,35-44; Fig. 7).

Regarding **Claim 15**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 11), in addition Fitch further discloses the location server (214) of claim 11,

wherein the location information includes a time stamp identifying when the target MS (102) was at a reported location (see col. 8, lines 44-49), and

wherein the combining step comprises the step of extrapolating a current location of the target MS (102) from a last reported location and time and at least one of another reported location and time, and a reported velocity (see col. 8, lines 44-49; col. 10, lines 19-57).

Regarding **Claim 16**, Fitch discloses of a reporting device (202) in a wireless communication system (100) for determining a location of a target mobile station (MS) (102), the reporting device (202) comprising:

a processor for controlling the reporting device (202), the processor comprising a memory (see col. 7, lines 30-44; col. 10, line 58 - col. 11, line 3; col. 11, lines 60-64; Figs. 1-2), where LFE (202) monitor the location of the wireless station (102) using wireless location application in which the processor would be obvious for location tracking of the wireless station; and

a second transceiver (202) coupled to the processor for cooperating with the processor to communicate with a location server (214) of the wireless communication system (200), via the long-range wireless link (see col. 5, lines 31-34; Figs. 1-2,6-7);

wherein the processor is programmed to cooperate with the transceiver to (see Figs. 1-2,6-7):

receive, on the long-range wireless communication system link, from the location server (214), a message (e.g., request) eliciting the location information corresponding to the target MS (102) from a subset of a plurality of reporting devices (202) (see Figs. 1-2,6-7); and

communicate the elicited location information corresponding to the target MS (102) to the location server (214) when the reporting device (202) is a member of the subset (see col. 8, lines 34-43; col. 10, lines 61-63; col. 11, line 58 - col. 12, line 6; Figs. 2, 7), where the

LFEs (202) provide location information of the wireless station. Fitch fails to disclose having the features a first transceiver coupled to the processor for cooperating with the processor to communicate with the target MS via a short-range wireless link, for obtaining and storing in the memory location information corresponding to the target MS including the identity of the target MS; while the location service has failed to obtain location information from the target MS. However, the examiner maintains that the features a first transceiver coupled to the processor for cooperating with the processor to communicate with the target MS via a short-range wireless link, for obtaining and storing in the memory location information corresponding to the target MS including the identity of the target MS; while the location service has failed to obtain location information from the target MS was well known in the art, as taught by Walsh.

Walsh further discloses the features a first transceiver (206) coupled to the controller (200) which reads on the claimed “processor” for cooperating with the processor (200) to communicate with the target MS (104) via a short-range wireless link, for obtaining and storing in a memory (204) location information corresponding to the target MS (104) including the identity of the target MS (104) (see col. 8, lines 32-38,41-53; col. 11, lines 20-22,45-50; Figs. 2, 7);

while the location service has failed to obtain location information from the target MS (104) (see col. 8, lines 21-30,38-53; col. 13, lines 35-40; col. 11, lines 23-41; Figs. 1-3, 5-6), where the system is coupled to a long range system (e.g., GPS) and short range (e.g., Bluetooth) to locate the MS. The short range is used in locations (e.g., facilities, hallways, or elevators) where the long-range system does not adequately perform in which the failing of

the long-range system and a message for location information would be inherent to locate the wireless communication device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fitch and Walsh to have the features a first transceiver coupled to the processor for cooperating with the processor to communicate with the target MS via a short-range wireless link, for obtaining and storing in the memory location information corresponding to the target MS including the identity of the target MS; while the location service has failed to obtain location information from the target MS, in order for the short-range radio transceivers to transmit information to the wireless communication device for use with E911 service and other location-based services, as taught by Walsh (see col. 9, lines 25-31).

Regarding **Claim 17**, Fitch discloses the reporting device (202, 204, 206) of claim 16 further comprising

a location determining element (e.g., 208) coupled to the processor for determining the location of the reporting device (202, 204, 206) (see col. 7, lines 30-41);

wherein the processor is further programmed to (see Figs. 1-2,6-7):

communicate with the target MS (102) (see Figs. 1-2,6-7); and

store the location of the reporting device (202) as the location of the target MS (102) (see col. 7, lines 30-32,42-44; col. 8, lines 34-43; col. 10, lines 37-41; Figs. 1-2).

Fitch fails to disclose having the feature control the first transceiver to limit communication range between the reporting device and the target MS to that of a short-range link. However, the examiner maintains that the features control the first transceiver to limit

communication range between the reporting device and the target MS to that of a short-range link was well known in the art, as taught by Walsh.

Walsh further discloses the feature control the first transceiver to limit communication range between the reporting device (102) and the target MS (104) to that of a short-range link (124) (see col. 9, line 64 - col. 10, line 16; col. 12, line 65 - col. 13, line 39; Figs. 1-3); and

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fitch and Walsh to have the feature control the first transceiver to limit communication range between the reporting device and the target MS to that of a short-range link, in order for the short-range radio transceivers to transmit information to the wireless communication device for use with E911 service and other location-based services, as taught by Walsh (see col. 9, lines 25-31)..

Regarding **Claim 18**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 16), in addition Fitch further discloses the reporting device (202, 204, 206) of claim 16, wherein the processor (214) is further programmed to:

receive a request to report the location information corresponding to the target MS (102) (see col. 10, lines 58-66; col. 11, line 58 - col. 12, line 17; Figs. 6-7); and

attempt to contact the target MS (102) to determine the location of the target MS (102), in response to receiving the request (see col. 10, lines 58-66; col. 11, line 58 - col. 12, line 17; Figs. 6-7).

Regarding **Claim 19**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 16), in addition Fitch further discloses the reporting

device (202, 204, 206) of claim 16, wherein the reporting device (202, 204, 206) is a mobile wireless device (e.g., handset) similar to the target MS (102) (see col. 5, lines 29-35; Figs. 1-2), where the LFE is a handset that can transfer the location information.

Regarding **Claim 20**, the combination of Fitch and Walsh discloses every limitation claimed, as applied above (see claim 16), in addition Fitch further discloses the reporting device (202, 204, 206) of claim 16, wherein the reporting device (202, 204, 206) is a fixed wired device (see col. 5, lines 35-42; Figs. 1-2).

Response to Arguments

4. Applicant's arguments filed 26 May 2005 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the above claims and comments in this section).

5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding applicant's argument of claim 1 on pg. 10, 4th ¶, "...does not disclose eliciting location information from a subset of a plurality of reporting devices while failing to obtain information from a target MS using long-range wireless communication system link...", Examiner respectfully disagrees. Fitch discloses eliciting location information from

a subset of a plurality of reporting devices (202, 204, 206) (see col. 11, line 58 - col. 12, line 6; Fig. 7), where the LFEs (202) provide location information of the wireless station (102) based on the requests from the location server (116) (see col. 11, line 67 - col. 12, line 9; Fig. 7). Walsh discloses while failing, by the location server (e.g., 108), to obtain location information from the target MS (104) (see col. 8, lines 21-30, 38-53; col. 10, lines 42-67; col. 13, lines 35-40; col. 11, lines 23-41; col. 9, lines 52-63; Fig. 3), where the system is coupled to a long range system and short range (e.g., Bluetooth) to locate the MS. The short range is used in locations (e.g., facilities, hallways, or elevators) in which the failing by the server to would be inherent where the long-range system does not adequately perform (see col. 8, lines 29-31) the short range is used to determine location. Therefore, the combination of Fitch and Walsh more than adequately meet that instant claim language.

6. Regarding applicant's arguments of independent claims 11 and 16, the claims are rejected for the same reasons as set forth above in the reply of claim 1.
7. In response to applicant's remark of claim 16 on pg. 16, 2nd ¶, "...refers to a location server 214. Label 214 does not exist...", Examiner respectfully disagrees. Applicant has clearly confused the applied references and the applied subject matter. Label 214 is a reference character applied from the Fitch reference (see col. 6, lines 31-34; Fig. 2) not the Walsh reference. Also, see claim 16 rejection above and in the Office action mailed on 23 February 2005.
8. Regarding dependent claims 2-10, 12-15, and 17-20, the claims are rejected for the same reasons as set forth above in the reply of claims 1, 11, and 16.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Yee et al. (US 6,044,323) discloses "Satellite Based Commercial and Military Intercity and Intercontinental Air Traffic Control".
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR
21 October 2005


CHARLES APPIAH
PRIMARY EXAMINER